

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MICHAEL L. PACK

Plaintiff

v.

JAMES R. BENJAMIN

Defendant.

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CIVIL ACTION NO. WDQ-07-552

MEMORANDUM

Since 1995, Michael Pack (“Pack”), a resident of Baltimore, Maryland, has filed approximately 75 civil cases in this Court, the majority of which have been summarily dismissed. On March 1, 2007, he filed the instant action seeking \$50,000,000.00 in damages. The filing offers various rambling statements and opinions regarding the alleged actions of an Assistant Baltimore City Solicitor. Pack states that he is suing Mr. Benjamin “under the grounds of conspiracy, perjury, and fraud a misdemeanor [indecipherable] imprisonment on a conviction by a federal prosecution.” Paper No. 1 at 1. He seemingly takes issue with statements presented in the Memoranda filed by the Office of the Baltimore City Solicitor in *Pack v. O’Malley*, Civil Action No. L-05-3081 (D. Md.).¹ Pack offers the following statement of facts:

The Attorney a government attorney and case should be look[ed] at as to the President Nixon Watergate case to a government cover-up of the evidence and perjury December 2006. Picture evidence and the Memorandum of Law filed under perjury by the Attorney filed in the United States District Court against Mr. Michael Pack. I Mr. Pack am claiming against Attorney Benjamin the Government Attorney.

Paper No. 1 at 2.

¹ On February 16, 2007, Defendant O’Malley’s Renewed Motion to Dismiss was granted and the case was closed. *See Pack v. O’Malley*, Civil Action No. L-05-3081 at Paper Nos. 24 & 25.

Because Pack appears indigent, he shall be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). As he has been granted leave to proceed without the prepayment of filing fees this Court may screen Pack's claims before service of process and dismiss the Complaint *sua sponte* if it has no factual or legal basis. *See Neitzke v. Williams*, 490 U.S. 319, 325 & 327 (1989); *see also Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992); *Cochran v. Morris*, 73 F.3d 1310, 1315 (4th Cir. 1996); *Nasim v. Warden*, 64 F.3d 951, 954 (4th Cir. 1995). Put another way, this district court may dismiss Pack's Complaint prior to service "if satisfied that the action is frivolous or malicious." *See* 28 U.S.C. § 1915(e).

Pack's Complaint shall be dismissed as legally frivolous pursuant to § 1915(e). His Complaint presents, at best, a dispute with the legal arguments raised in memoranda by the Office of the City Solicitor in *Pack v. O'Malley*, Civil Action No. L-05-3081 (D. Md.). Pack, however, had the opportunity to refute those arguments by opposition response. His disagreement with the memoranda arguments does not provide the foundation for an independent cause of action under this Court's federal question jurisdiction.² A separate Order shall be entered reflecting the opinion set out above.

Date: March 13, 2007

/s/

William D. Quarles, Jr.
United States District Judge

² Further, as a private citizen, Pack lacks a "judicially cognizable interest in the prosecution or nonprosecution of another." *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973); *see also Otero v. United States Attorney General*, 832 F.2d 141 (11th Cir. 1987). Therefore, he is without standing to criminally prosecute Defendant under federal perjury laws.